



October 12, 2014

Wastewater Branch  
Environmental Management Division  
Hawaii State Department of Health  
919 Ala Moana Blvd, Room 309  
Honolulu 96814-4920

Proposed Revisions to Department of Health  
Administrative Rules Title 11, Chapter 62  
Wastewater Systems

The Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches for all people, through conservation, activism, research and education. The non-point source discharge from cesspools in Hawaii is a serious threat specifically to the protection and enjoyment of coastal waters.

The Kauai Chapter of The Surfrider Foundation strongly supports prohibiting the installation of any new cesspools in Hawaii and the conversion of cesspools to sewer connections or up grading to individual wastewater systems such as septic systems.

In monitoring the water quality of north shore beaches, we have seen the improvement brought about by the replacement of cesspools at Kauai County beach parks and along the banks of the Hanalei River. Geometric means of Enterococcus counts at the beach at the Hanalei Pavilion and at the Hanalei River estuary decreased approximately 56% between 2004 and 2013 and DNA tests of bacteriophages show a decline in the presence of human factor markers. Similarly, the percent of time that Enterococcus bacteria concentrations exceeded the single sample maximum at the three County beach parks in Hanalei decreased on the average 60% over the period 1995-2008 to 2012-2013. Cesspool removal may not have been the only factor involved, but it surely was a major one, as reported in Surfrider's report to the Department of Health.

While septic systems do not fully remove nutrients, pharmaceuticals or personal care products from the wastewater making its way into the coastal waters, they are effective at removing pathogens. Where sewer connections are not available, septic systems are a step forward in protecting public health and the environment.

Whereas all cesspools should be converted, the Department of Health might consider phasing in the replacement schedule to recognize that those cesspools closest to the shoreline and to inland waterways are the most dangerous and need to be converted sooner than those not near waterways.

Because all cesspools are polluting the environment, we do not believe that the type of transfer, *i.e.* whether the property is sold or passed down within the family via a gift or trust, should exempt a parcel from the conversion requirements. Conversion is the pono thing to do and should be done voluntarily.

The proposed revisions to HAR 11-62 are needed since the legislature will not simply ban the use of all cesspools and legislate their mandatory removal by everyone by a date in the future. Individual home owners and developers must realize the very negative impact cesspools have upon the environment, public health, tourism, and economic growth in Hawaii.

Surfrider – Kauai supports the proposed revisions and I provided oral testimony to that effect at the public hearings held via teleconferencing on October 2, 2014.

Respectfully submitted,

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Vice-Chair, Executive Committee  
The Kauai Chapter  
The Surfrider Foundation